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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,627	02/25/2004	Christopher E. Bales	BEAS-01381US0	3071

23910 7590 06/20/2007

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EXAMINER	
TRAN, TUYETLIEN T	
ART UNIT	**PAPER NUMBER**
2179	

MAIL DATE	DELIVERY MODE
06/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/786,627	BALES ET AL.	
	Examiner	Art Unit	
	TuyetLien (Lien) T. Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-67* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/16/07, 2/15/07, 12/22/06, 11/14/06, 8/18/06, 7/07/06, 3/20/06, 2/10/06, 1/26/06, 1/17/06, 3/16/05, 2/7/05, 1/5/05, 10/20/04, 9/09/04 .

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. ***Claims 18, 30, 31*** are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 30-32 of copending Application No. 10/786742, respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because despite the differences in wordings, both are directed to the same, indistinct invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Objections

3. Claim 1 is objected to because of the following informalities: there is a "; and" at the end of the claims (see MPEP 608.01(m) - each claim begins with a capital letter and ends with a

period). Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 2, 5, 11, 14-19, 22, 27, 30-34, 37, 43, 46-48, 50-51, 54, 60, 63-67, the phrase "and/or" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

In claims 22 and 27, a "third user interface" is recited twice in the claim; it is not clear whether there are two user interface or there is only one user interface is operable to perform two functions.

In claim 28, "the third user interface" is recited; however it is not clear whether the interface refers to the first third user interface or the latter one.

Claims 9-10, 41-42, 58-59 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: "entitlement".

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-32 and 67 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claims 1 and 18, an "interactive tool" is recited. However, it appears that the tool would reasonably be interpreted by one of ordinary skill in the art as software, per se. A software with no physical and tangible computer structure is non-functional descriptive material.

In claim 67, "data signal" and "transmission medium" are being recited. These subject matters are not limited to that which falls within a statutory category of invention because they are not limited to a process, machine, manufacture, or a composition of matter.

Claims 2-17, 19-32 are rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-2, 6-11, 13-19, 23-27, 29-34, 38-43, 45-51, 55-60, 62-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Chowdhry et al (Pub No US 2003/0167315 A1; hereinafter Chowdhry).

As to claims 1, 33, 50 and 67, Chowdhry discloses:

A machine readable medium having instructions stored thereon that when executed by a processor cause a system to provide an interactive tool for configuring a portal (e.g., see Figs. 1, 3 and [0001]), comprising:

a first user interface operable to define and/or manage the portal (e.g., see Fig. 10);

a second user interface operable to define and/or manage personalization of the portal (e.g., see Fig. 15 and [0101]);

wherein the portal can include at least one of the following portal resources: a desktop, a book, a page, a portlet, a shell, a look and feel, a theme, a menu, and a layout (e.g., see Fig. 3 and [0101]).

As to claim 18, Chowdhry discloses:

An interactive tool for configuring a portal (e.g., see Fig. 3 and [0001]), comprising:

a first user interface operable to define and/or manage the portal (e.g., see Fig. 10);

a second user interface operable to define and/or manage personalization of the portal (e.g., see Fig. 15 and [0101]);

a third user interface operable to define and/or manage entitlements for at least one portal resource (e.g., see [0230], [0247], [0255], [0260]);

wherein an entitlement determines what capabilities are available to a portal visitor for the at least one resources (e.g., see [0230], [0247], [0255], [0260]); and

wherein the portal can include at least one of the following portal resources: a desktop, a book, a page, a portlet, a shell, a look and feel, a theme, a menu, and a layout (e.g., see Fig. 3 and [0101]).

As to claims 2, 19, 34 and 51, Chowdhry further discloses at least one user interface operable to define and/or manage one of: a desktop, a book, a page, a portlet, a shell, a look and feel, and a layout (e.g., see Figs. 30, 43).

As to claims 6, 23, 38 and 55, Chowdhry further discloses the portal can be depicted graphically as a hierarchy of the at least one portal resources (e.g., see Fig. 43).

As to claims 7, 24, 39 and 56, Chowdhry further discloses the first user interface includes a context-sensitive editor (e.g., see Fig. 10).

As to claims 8, 25, 40 and 57, Chowdhry further discloses the first user interface includes a hierarchy browser (e.g., see Fig. 43).

As to claims 9, 41 and 58, Chowdhry further discloses an entitlement determines what capabilities are available to a portal visitor for the at least one resources (e.g., see [0230], [0247], [0255], [0260]).

As to claims 10, 26, 42 and 59, Chowdhry further discloses an entitlement is based on a user role (e.g., see [0230], [0247], [0255], [0257], [0260]).

As to claims 11, 27, 43 and 60, Chowdhry further discloses a third user interface operable to define and/or manage content (e.g., see Fig. 43); and wherein content is part of a virtual content repository (VCR) (e.g., see Fig. 43 and [0087], [0097], [0110], [0230]).

As to claims 13, 29, 45 and 62, Chowdhry further discloses a portlet can dynamically present content (e.g., see Fig. 3).

As to claims 14, 46 and 63, Chowdhry further discloses a fourth user interface operable to define and/or manage entitlements for at least one portal resource (e.g., see [0230], [0247], [0255], [0260]); and wherein an entitlement determines what capabilities are available to a portal visitor for the at least one resources (e.g., see [0230], [0247], [0255], [0260]).

As to claims 15, 30, 47 and 64, Chowdhry further discloses the second user interface is operable to define and/or manage a content placeholder (e.g., see Fig. 15).

As to claims 16, 31, 48 and 65, Chowdhry further discloses the second user interface is operable to define and/or manage a content selector (e.g., see Fig. 43).

As to claims 17, 32, 49 and 66, Chowdhry further discloses a fifth user interface operable to define and/or manage delegated administration (e.g., see [0092], [0230], [0247], [0255]).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 3-5, 20-22, 35-37, 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chowdhry in view of Poulsen (Patent No US 7062511 B1; hereinafter Poulsen).

As to claims 3, 20, 35 and 52, Chowdhry teaches the limitations of claim 2, 19, 34 and 51 for the same reasons as discussed above. Chowdhry does not expressly teach that a desktop can be defined based on a template.

Poulsen, though, teaches a portal web site development system that allows a user to define or manage the portal web site (e.g., see Abstract and Fig. 7) where a user can define a desktop based on a template (e.g., site theme, see Fig. 4E and Fig. 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the web site development system as taught by Poulsen to the interactive tool as taught by Chowdhry to provide the ability to allow a user to apply a template to his/her customized web portal. The motivation to combine Poulsen's teaching with Chowdhry's teaching is to allow an end user to define and manage customized web portal easily and efficiently without requiring deep knowledge in web development.

As to claims 4, 21, 36 and 53, Poulsen further teaches a desktop is a user-specific view of a portal (e.g., see Fig. 4E). Thus, combining Poulsen and Chowdhry would meet the claimed limitations for the same reasons as discussed with respect to claims 3, 20, 35 and 52 above.

As to claims 5, 22, 37 and 54, Poulsen further teaches:

a third user interface operable to define and/or manage a desktop (e.g., see Fig. 4E and Fig. 6); and

wherein the third user interface can render a preview of the desktop (e.g., see Fig. 4E).

Thus, combining Poulsen and Chowdhry would meet the claimed limitations for the same reasons as discussed with respect to claims 3, 20, 35 and 52 above.

12. Claims 12, 28, 44, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chowdhry.

As to claims 12, 28, 44 and 61, Chowdhry teaches the limitations of claim 11, 27, 43 and 60 for the same reasons as discussed above. Chowdhry further teaches that a user can drag and drop a portlet from the repository into a page to customize the portal web page (e.g., see Fig. 43, [0234], [0238], [0247]); Chowdhry further teaches that an administrative console can be used to mange the repository (e.g., see [0230], [0247]. Chowdhry does not expressly teach that modifying the VCR by dragging and dropping VCR nodes; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this feature in view of Chowdhry because Chowdhry suggests to the skill artisan that the administrator can manage and modify the repository and that a drag and drop operation can be used to customize a web portal page (e.g., see Fig. 43, [0234], [0230], [0238], [0247]). The motivation is to make it easier and convenient for a user to manage the repository by simply dragging and dropping a graphical object from one place to another.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275,277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
5/24/2007

Lien Tran
Examiner
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